

Message Text

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COME-00 DOTE-00 NSF-04 OMB-01 TRSE-00 SWF-02 AGR-20

ACDA-19 AEC-11 CG-00 CEA-02 FMC-04 EPA-04 SCI-06

CEQ-02 CIAE-00 DODE-00 PM-07 H-03 INR-11 L-03 NSAE-00

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SUBJ: LOS: DAILY REPORT, COMMITTEE II, AUGUST 15, 1974

1. SUMMARY. COMMITTEE II FINISHED DISCUSSION OF ITEMS 19 (REGIME OF ISLANDS) AND 24 (TRANSMISSIONS FROM THE HIGH SEAS) THEREBY COMPLETING FORMAL DISCUSSION OF ALL ITEMS ALLOCATED TO COMMITTEE II. CHAIRMAN, IN CONSULTATION WITH BUREAU, WILL NOW PREPARE INFORMAL WORKING DOCUMENTS ON THESE ITEMS WHICH WILL COMPLETE INITIAL PREPARATION OF DRAFT TREATY TEXT ALTERNATIVES ON COMMITTEE II ISSUES. END SUMMARY.

2. DENMARK ENDORSED USE OF EQUIDISTANCE RULE FOR ISLANDS. CUBA OBJECTED TO 200-MILE ECONOMIC ZONE FOR PUERTO RICO UNLESS RESOURCES CONFIRMED FOR USE OF ITS INHABITANTS AND NOT U.S.

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COMOMBIA SUPPORTED OUTLYING ARCHIPELAGO CONCEPT. WESTERN SAMOA

STRONGLY ENDORSED 200-MILE ZONE FOR ISLANDS. ROMANIA INTRODUCED ARTICLES PROPOSING SPECIAL RULES FOR SMALL ISLANDS. TRINIDAD AND TOBAGO URGED SAME MARITIME RIGHTS FOR ISLANDS AS LAND TERRITORY BUT DISTINGUISHED SMALL, UNINHABITED ROCKS FROM PROPER ISLANDS. FIJI EXPLAINED HOW THREE SMALL OUTLYING ISLANDS OVER 300 MILES FROM THEIR MAIN CLUSTER SHOULD BE ENTITLED TO 200-MILE ECONOMIC ZONE. NICARAGUA EXPRESSED CONCERN OVER OFFSHORE ISLANDS BEING TREATED SAME AS ISLANDS FAR FROM MAINLAND AREAS. CANADA INDICATED THAT ISLANDS SHOULD BE TREATED AS MAINLAND EXCEPT WHEN DELIMITATION PROBLEMS WERE INVOLVED.

3. TURKEY STATED WELL-KNOWN VIEWS REFLECTING CONCERN OVER GREEK ISLANDS NEAR ITS COAST. ARGENTINA URGED ECONOMIC ZONE EXCEPTION FOR ISLANDS UNDER FOREIGN DOMINATION (OBVIOUSLY THINKING OF FALKLANDS). SINGAPORE SUPPORTED IDEA OF NON-SELF-GOVERNING ISLAND TERRITORIES MARINE RESOURCES BEING RESERVED FOR NATIVE INHABITANTS AND NOT FOR ADMINISTERING POWER. GREECE RESPONDED TO TURKISH STATEMENT BY URGING EQUAL TREATMENT FOR ISLANDS.

4. FRANCE FAVORED GENERAL RULE FOR DELIMITATION WHICH WOULD LEAVE DOOR OPEN FOR NEGOTIATIONS BETWEEN STATES ON SPECIAL SITUATIONS. AECUADOR URGED CONFERENCE TO DENY EXTENSION OF RIGHTS TO ISLANDS WHICH ARE UNDER COLONIAL RULE. JAMAICA SAID EACH ISLAND WAS ENTITLED TO TERRITORIAL SEA, ECONOMIC ZONE AND CONTINENTAL SHELF AND THERE SHOULD BE NO SPECIAL CRITERIA (SUCH AS SIZE, POPULATION, ETC.) TO DETERMINE EXTENT OF MARITIME SPACES. CYPRUS SUPPORTD GREEK POSITION. GUATEMALA STATED THEY WOULD NOT ACCEPT OR APPROVE ANY LOS CONVENTION WHICH GAVE MARITIME RIGHTS TO ISLAND TERRITORIES OCCUPIED BY FOREIGN POWERS IN USURPATION OF SOVEREIGN RIGHTS OF OTHER STATES.

5. TUNISIA INTRODUCED DRAFT ARTICLES ON REGIME FOR ISLANDS ON BEHALF OF CO-SPONSORS (WHICH INCLUDE ALGERIA, MORROCO, SENEGAL, MALI, MAURITIUS, NAURITANIA, LIBERIA, DAHOMEY, SIERRA LEONE, GAMBIA, ZAMBIA AND UPPER VOLTA). AMONG PROVISIONS OF THEIR DOCUMENT, WHICH WILL BE CIRCULATED 15 AUG., ARE (A) SPECIAL CONSIDERATION FOR ISLANDS BASED ON SIZE AND POPULATION; (B) DIFFERENCES IN CATEGORIES DEPENDING ON DISTANCE FROM COAST; (C) SAFETY ZONES FOR VERY SMALL ISLANDS, AND (D) APPLICATION OF ARCHIPELAGO CONCEPT TO ISLANDS

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OF COASTAL STATE. MAURITIUS SAID THAT IN CASES WHERE POPULATIONS HAVE BEEN REMOVED FROM ISLANDS SOVEREIGN RIGHTS ARE RETAINED BY STATE OF ORIGINAL OCCUPANTS. (NOTE: THIS: NO DOUBT, IS REFERENCE TO THEIR POSITION REGARDING DIEGO GARCIA.)

6. U.K. SAID THERE SHOULD BE NO SPECIAL FORMULATIONS FOR ISLANDS BASED ON CONSIDERATIONS SUCH AS SIZE, POPULATION AND REMOTENESS SINCE THESE CONDITIONS VARY TO WIDELY (E.G. SMALL ISLANDS WITH

LARGE POPULATIONS, ETC.). DUDGEON NOTED THAT IN MOST CASES WHERE ISLANDS ARE NOT INDEPENDENT IT IS BECAUSE OF ECONOMIC UNCERTAINTIES AND, DEPENDENCE ON METROPOLITAN STATE FOR ASSISTANCE. TO DEPRIVE SUCH ISLANDS OF LEGITIMATE RIGHTS TO MARITIME SPECIES MAKES INDEPENDENCE EVEN MORE DIFFICULT. UK CONSIDERS ARTICLE 12 OF TERRITORIAL SEA CONVENTION AND ARTICLE 6 OF CONTINENTAL SHELF CONVENTION AS ADEQUATE TO RESOLVE QUESTION OF DELIMITATION.

7. MEXICO, REPLYING TO UK, SAID PURPOSE OF DENYING RIGHTS TO OCCUPIED ISLANDS WAS NOT TO DAMAGE INHABITANTS BUT TO EXPRESS NON-RECOGNITION OF COLONIAL DOMINATION AS PERMANENT LEGAL SITUATION. MADAGASCAR SAID SOVEREIGN RIGHTS SHOULD BE EXTENDED TO OCCUPIED ISLANDS WHO ARE INCLUDED ON THE LIST BEFORE THE COMMITTEE OF 24 AT THE UN BUT DENIED TO OTHERS. (NOTE: THIS WOULD DEPRIVE PUERTO RICO OF MARITIME SPACES). SPAIN SAID QUESTIONS OF DELIMITATION REGIME OF ISLANDS MUST BE BASED ON 3 PRINCIPLES (A) TERRITORIAL UNITY AND INTEGRITY OF STATE; (B) SOVEREIGN RIGHTS OF STATE OVER ITS TERRITORY AS ONE AND INDIVISIBLE; AND (C) EQUAL SOVEREIGNTY OF ALL STATES.

8. ON ITEM 24 (TRANSMISSION FOR HIGH SEAS) UK REFERRED TO ITS PROPOSAL BEFORE CONFERENCE.

9. CHAIRMAN ANNOUNCED THAT INFORMAL MEETINGS WOULD BE HELD ON AUGUST 15 TO CONSIDER WORKING PAPER (REV. 1) ON CONTINENTAL SHELF, AND WORKING PAPER ON PREFERENTIAL RIGHTS. TWO OTHER WORKING PAPERS WOULD BE READY SHORTLY.
STEVENSON

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